

REMARKS

Applicant requests amendment of Claims 6 and 8 as set forth herein. All other remaining claims are dependent on Claims 6 and 8, and thus are limited by the express amendments to Claims 6 and 8. Claims 6, 8, and 17 - 36 remain in the application.

Applicant previously filed a Reply Under 37 CFR 1.116. In an Advisory Action dated November 8, 2004, the proposed amendments were rejected and have not been entered. Thus, the amendments set forth in this Reply are amendments to the Claims as set forth in Applicant's Reply Under 37 CFR 1.111 dated September 1, 2004.

Applicant hereby requests further examination and reconsideration of the application, in view of the foregoing requested amendments.

Section 103 Rejection

Claims 6 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over d'Arbelles. Claims 17 - 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over d'Arbelles in view of DE 4332471A1, Childress, and Hettinger.

d'Arbelles teaches a method of obtaining an emblem which is affixed to a patient's skin to communicate to third parties medical information about the patient. In the Summary of the Invention, d'Arbelles explains: "These medical stamp emblems can be used by a physician or other authorized personnel to allow a patient's body to communicate directions for any medical action or inaction." In other words, d'Arbelles relies on a physician or other third party to affix the emblem to the patient's body, while the emblem's usefulness resides in communicating medical information to other third parties rather than to the patient himself.

In contrast, the instant application claims a label or temporary tattoo which is applied to a person's dominant hand, for the *purpose of communicating with the person himself* and

not with a third party. The amendments which are requested hereby stress the individual's use of the claimed process rather than conveying information to third parties. In particular, and contrary to d'Arbelles, the claimed process requires attachment of a label or temporary tattoo to the individual's dominant hand to remind the individual himself to avoid foods which are adverse to the healthy diet and thus promote adherence to a healthy diet. Support for the amendment set forth herein is found throughout the Specification, and in particular on page 2, lines 5 - 9, page 4, lines 5 - 7, and page 7, lines 8 - 11.

Furthermore, the dependent claims of the instant application combine the use of such a label or temporary tattoo with corresponding labels which can be placed on food containers, food bowls, and charts with information about a healthy diet. Although labeled food containers, food bowls, and charts are known in prior art, it is not obvious to combine these components of the claimed process, as such a combination is unknown in prior art. By combining these disparate components, the healthy diet process of the instant application becomes a significantly more powerful communication and reminder tool, as each component emphasizes the healthy diet to the individual using the system, building influence as the same symbols are used in a variety of ways. As expressed in the Specification at page 1, columns 11 - 13, the resulting *"integrated diet system ... provides immediate visual awareness and recognition of diet guidelines, biofeedback, aversion recognition of choices adverse to the diet, and a visual conditioning response."*

As discussed in an interview with Examiner Cano on February 23, 2005, each claim is being revised to provide in both the preamble and body of the claim that the process assists an individual in adhering to a healthy diet. *d'Arbelles provides a device for communicating a medical condition or directive to a third party, while the claimed process provides assistance to an individual so that individual can better adhere to a healthy diet.*

In view of the above, it is submitted that the claims are in condition for allowance. Allowance of claims 6, 8, and 17 - 36 at an early date is solicited.

Respectfully submitted,

Linda Flewellen Gould
Registration Number 31,515
Gould & Whitley
1665 Briargate Blvd., Suite 101
Colorado Springs, CO 80920
(719) 531-0994